

### **Remarks**

In claim 17, the term “pharmaceutically acceptable” has replaced “addition” in view of the rejection under 35 USC §112, first paragraph. Support for this amendment can be found throughout the specification at, for example, page 9, line 35. In addition, the second instance of piperidinylC<sub>1-6</sub>alkylaminocarbonyl in R<sup>8, 10, 11</sup> was deleted. It is submitted that no new matter has been added by the above amendments.

### **Objection to the Claims**

Claim 17 was objected to for containing two recitations of piperidinylC<sub>1-6</sub>alkylaminocarbonyl in R<sup>8, 10, 11</sup>. (Office Action at page 4.) As noted above, claim 17 was have been amended to remove the second recitation of piperidinylC<sub>1-6</sub>alkylaminocarbonyl in R<sup>8, 10, 11</sup> and, it is submitted, the objection is rendered moot and should be withdrawn.

Claim 20 was objected to for its written text; the claim was amended to read “A compound selected from”; and is followed by the claimed chemical structures. Additionally, said text compound 16, 144, and 145 was removed from under the claimed structures to clearly depict the subject matter being claimed.

### **Enablement Rejection**

Claims 17-19, and 21 stands rejected under 35 USC §112, first paragraph, as failing to comply with the enablement requirement. (Office Action at page 4.)

Claims 17-19 and 21 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “pharmaceutically acceptable salts” and “stereo-chemically isomeric forms thereof” of the instantly claimed compounds, does not reasonably provide enablement for N-oxides and all addition salts of said compounds. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make the invention commensurate in scope with these claims.

(Office Action at page 4.)

For the reasons set forth below, the rejection is respectfully traversed.

While the conclusion that the rejected claims are not fully enabled is respectfully disagreed with, claim 17 has been amended in view of the admission in the Office Action

that “pharmaceutically acceptable” salts are enabled. With this amendment it is believed that claim 17 and the claims that depend therefrom are fully enabled and the instant rejection has been overcome. Therefore, the instant rejection should be withdrawn.

**Obviousness-type Double Patenting**

Claims 17-21 continue to be provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-4, 6, 12, 14-16, and 26-30 of co-pending application number 10/595,882. (Office Action at page 3.) The Office Action did not indicate that the rejected claims are otherwise allowable. Upon notification in the Office Action that claims 17-21 are allowable but for this rejection, the substance of this rejection will be addressed.

Applicants hereby petition for a one (1)-month extension of time to file this Response. Please charge the fee for this extension of time, and any other fees that may be required, to Deposit Account No. 10-0750/PRD2120USPCT/TT.

Finally, the Examiner is invited to call the applicants’ undersigned representative if any further action will expedite the prosecution of the application or if the Examiner has any suggestions or questions concerning the application or the present Response. In fact, if the claims of the application are not believed to be in full condition for allowance, for any reason, the applicants respectfully request the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP § 707.07(j) or in making constructive suggestions pursuant to MPEP § 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

By: /Timothy E. Tracy/  
Timothy E. Tracy  
Reg. No. 39,401

Johnson & Johnson  
One Johnson & Johnson Plaza  
New Brunswick, NJ 08933  
(732) 524-6586  
Dated: January 28, 2010  
Customer No. 000027777